

REMARKS

Non-Compliant Notice

The present Reply is the same as the Reply filed September 29, 2005, except that in this Reply the Listing of the Claims includes the status of claim 8 which has been Withdrawn and Currently Amended.

The following remarks are identical to those presented in the Reply of September 29, 2005.

The specification has been amended in accordance with the Examiner's suggestion. Support for the language added to claim 1 may be found at page 2, lines 1-5 and Table 2. Support for new claim 20 can be found, for example, in claim 8 and claim 17. Support for new claim 21 can be found, for example, in claim 8 and claim 11. Support for new claim 22 can be found, for example, in claim 8 and claim 12. Support for new claim 24 can be found, for example, in claim 8 and claim 13. Support for new claim 24 can be found, for example, in claim 8 and claim 4. Support for new claim 25 can be found, for example, in claim 8 and claim 5. Support for new claim 26 can be found, for example, in claim 8 and claim 14. No new matter has been added.

The Rejections Under 35 U.S.C. §112

At page 2 of the Office Action, the Examiner alleges that " ...there does not appear to be support for a composition comprising either 10% or 15% HF *in combination with a solvent mixture.*" The specification discloses both a specific embodiment of 15 % HF (table 2) and the specific range of 5-20% HF. The specification discloses solvent mixtures and preferred solvent mixtures (see page 3, lines 1-15). Applicants are not required to explicitly mention every conceivable permutation and combination of element members (where each element may contain alternatives from a group) within a claimed invention to satisfy the description requirement of 35 U.S.C. §112, first paragraph. Such explicit written description is *not* required and would operate as an unnecessarily harsh punishment for a patentee's failure to provide examples or mention of each and every contemplated embodiment. In the present application it is clear that Applicants contemplated the claimed HF ranges as an

element of their invention and contemplated a solvent mixture as an element of their invention. Accordingly, the new matter rejection should be withdrawn. See especially *Union Oil v. Atlantic Richfield*, 54 USPQ 2d, 1227 (Fed.Cir. 2000).

The Rejections Under §103

Deckert et al. teaches a *single* solvent etching solution for the etching of both silicon nitride layers and silicon oxide. See col. 2, lines 21-24. At page 2, lines 1-5, of the specification and, e.g., Table 2, it can be seen that applicants' etching solution is for etching of doped layers (e.g.,BSG, BPSG, PSG) and not thermal oxide (additionally see (Page 1, line 19-page 2, line 6; page 2, lines 14-26; page 3, lines 33-37), i.e., they are for differential etching.

Thus, one skilled in the art would not look to Deckert for guidance in formulating an etching solution for the selective etching of such doped layers, since Deckert related to non-selective etching. Deckert does not motivate any changes in its etching solutions directed to such a selective etching application, which would be counterproductive for Deckert.

The solution of this invention greatly preferentially etches doped layers overlying a thermal oxide layer. As page 3, lines 33-37 of the specification points out, the etching of the doped layer is a mutiple higher than for thermal oxide. At page 4 of the specification it is pointed out that solvent mixtures exhibit a very selective etching behavior. Selective etching prevents excess damage to the underlying thermal oxide structure and is undoubtedly an advantageous property.

Since nothing in Deckert would suggest selectively etching a doped layer, nothing in Deckert can possibly suggest an etching solution having a solvent mixture as required in the claims in order to achieve such a result. Applicants stand by their position on the examiners' HF calculations; but this is moot.


Sakaguchi et al (US 5,767,020) is irrelevant at least because it does not disclose solvents mixtures.

It is submitted that the claims of the application are in condition for allowance. However, should the Examiner have any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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